
Chapter 21 Campus Crime

Section 2

Abstract

Crime on college and university campuses first captured media attention in the mid-1980s and brought the issue into public view. Civil suits filed by victims and surviving family members of homicide victims against universities and administrators served as the prelude to successful advocacy for federal legislation that requires colleges to compile and publish annual campus security reports. Such federal laws, and the programs, policies, and procedures that have since developed, have served to enhance safety, security, and crime victim assistance on many campuses.

Learning Objectives

Upon completion of this section, students will understand the following concepts:

- Federal laws that address the problem of campus crime.
- How crime victims use civil remedies to combat crime on college campuses.
- Barriers to increased reporting of campus crimes, along with recommended solutions to increase reporting.
- The critical elements in developing a comprehensive victim services program for campuses.

Statistical Overview

- The FBI reported that in 1998 violent crime on campuses increased by 1%. The greatest increase in violent crime was in campus murder and nonnegligent manslaughter (FBI October 1999).
- According to the same study, forcible rapes increased by 11.4% and aggravated assaults increased by 2.7%. The numbers include only those offenses known to the police and not other campus officials as the Jeanne Clery Act requires (Ibid.).
- The 1999 *College Alcohol Study*, conducted by the Harvard School of Public Health surveyed 14,000 students at 119 colleges and universities and found that 44% of the students met the widely accepted definition for binge drinking, up 1% from the previous year. Four in five students who were not excessive drinkers but lived on campus experienced one or more of the repercussions of heavy drinking, including being the victim of an assault or unwelcome sexual advance and/or having their property damaged (Harvard School of Public Health 1999).

- A national survey released by the Higher Education Center for Alcohol and Other Drug Prevention found that between 75% and 90% of all violence on college campuses is alcohol-related (Security on Campus n.d.).
- A study commissioned by the National Institute of Justice (NIJ) found that over 8% of college women had been raped in the last six months (Fisher et al. August 1998).
- For each of the years 1992-94, violent crimes were reported by about 25% of postsecondary institutions with reporting requirements pursuant to the Campus Security Act. For 1994:
 - Less than 0.5% reported a murder on campus.
 - 9% reported incidents of forcible sex offenses.
 - 12% reported robbery.
 - 18% reported aggravated assault (Lewis and Greene 1997).
- On-campus arrests for liquor law violations, drug abuse violations, and weapons possession were reported by about 10% of the institutions in each of the three years. Public 4-year institutions, those with campus housing, and larger institutions were more likely to report arrests for all three crimes than were other types of institutions, those without campus housing, and smaller institutions (Ibid.).
- Regarding services or programs that foster campus safety:
 - Two-thirds of all institutions limit access to academic buildings during nights and weekends, give safety presentations to campus groups, and publish and post safety reminders on campus;
 - One-third have victims' assistance programs, and 12% have night-time shuttle or van services;
 - 90% of institutions with campus housing indicated that they limited access to residence halls (Ibid.).

Introduction

Few issues affecting colleges and universities captured media attention more dramatically in the last decade than violent crime. Awareness of the incidence of violent crime on college campuses burst into the public's consciousness with the reporting of several tragic cases in the 1980s. Headlines of major newspaper across the country have described violent incidents on campuses in California, Pennsylvania, Texas, Minnesota, Virginia, and Florida, to name a just few. These reports--

. . . put to rest the long-cherished notion that colleges and universities are somehow cloistered enclaves-sanctuaries far removed from the threat of crime that haunts the rest of us (Carrington 1991).

In a focus group on serving victims of campus crime sponsored by the National Criminal Justice Association in October 1998, Office for Victims of Crime Acting Director Kathryn M. Turman observed the following:

Campuses are not free from crime. Victims need to understand their rights, and need information about both the criminal justice system and student judicial system. We must mitigate the fact that students who are victims can be "re-victimized" by systems that often do not accommodate their needs (Seymour and Cropper 1999).

Federal Laws

In the 1990s, three pieces of federal legislation were introduced and passed in a climate of new concern about the safety of students on college campuses: the Higher Education Amendments of 1998, the Campus Sexual Assault Victims Bill of Rights of 1991, and the Campus Security Act of 1990.

HIGHER EDUCATION AMENDMENTS OF 1998: THE JEANNE CLERY ACT

In October 1998, H.R. 6--*Higher Education Amendments of 1998*--was signed into law by President Clinton. The new *Public Law 105-244* includes the following provisions, as summarized by Security on Campus, Inc. (Seymour and Cropper 1999):

Campus crime statistics.

- Manslaughter and arson are added to the categories schools are required to disclose.
- Campus disciplinary referrals for alcohol, drug, and weapons violations must be disclosed.
- The reporting of "hate crimes" is expanded. Crimes are to be reported by "category of prejudice."
- The Department of Education is required to gather all school disclosures made for an annual compilation that will be made available to the public.
- The definition of "campus" will be expanded to require the disclosure of crime statistics for campus food courts operated by contractors, streets and sidewalks running through and near the campus, and certain off-campus facilities.
- Statistics will be disclosed in four categories:
 - On campus.
 - Noncampus (i.e., fraternity and sorority houses, remote facilities).
 - Public property.
 - Residential facilities for students (i.e., residence halls, apartments, etc.).

Open campus police log.

- Schools will be required to maintain a public police log of all reported crimes.

- There will be certain exceptions to protect ongoing investigations and victims of sensitive crimes, such as sexual assault.

General provisions.

- No "duty of care" (i.e., civil liability) is established by the campus security requirements of the Higher Education Act.
- The campus security provisions of the Higher Education Act are formally named in memory of Jeanne Clery.
- Universities are potentially subject to a \$25,000 civil penalty for violations of the reporting requirements.

Student disciplinary records.

- The FERPA (FERPA) exception which allows victims of crimes of violence to be informed of the outcome of student disciplinary hearings is expanded to include survivors of nonforcible sex offenses.
- FERPA no longer prohibits the disclosure of the "final results" of disciplinary proceedings involving crimes of violence or nonforcible sex offenses. The only name that can be disclosed without written consent is that of the accused student, and there is no affirmative obligation that this information be released.
- Schools will be able to release information about alcohol- or drug-related disciplinary violations to parents of students who are under the age of twenty-one.

Drug convictions.

- Students convicted of various drug offenses will lose their financial aid eligibility for specified periods of time, depending upon whether the conviction was for use or sale, and how many times they have been convicted.

Violence against women.

- \$10,000,000 in grant funding to be administered by the U.S. Department of Justice is authorized for campuses in fiscal year 1999. Unspecified amounts are authorized for the following four fiscal years.
- \$1,000,000 is authorized to conduct a study on how colleges respond to complaints of sexual assault. It will be conducted by the Departments of Justice and Education. A report is required by September 1, 2000.

Binge drinking.

- Colleges are called upon to take steps to reduce binge drinking.

- Grants are authorized in the sum of \$5,000,000 for fiscal year 1999 and for an unspecified amount for the following four fiscal years.
- National Recognition grants for fiscal year 1999 are authorized up to \$750,000 for schools with successful programs to combat binge drinking.

UPDATE ON THE CLERY ACT

In November 1999, the U.S. Department of Education issued final guidelines on the 1998 amendments to the Jeanne Clery Act regarding the public reporting of campus crime statistics that specifically address off-campus and adjacent-to-campus student victimization. The new regulations require the report of criminal victimization of students in off-campus housing that has a school affiliation, and on public and private property located off-campus but adjacent thereto. Schools are also expected to make a "good faith" effort to obtain crime report information from local police.

A second clarification of the Clery amendments expanded requirements for the reporting of hate crimes so that schools must report by category of prejudice be it race, gender, religion, orientation, ethnicity, or disability according to the FBI's Hate Crime Data Collection Guidelines (S.O.C. 1 November 1999).

PRIVACY RIGHTS AND THE CLERY ACT

The Foley amendment to the Clery Act establishes that the final results of disciplinary cases where a student has been found to have broken a school rule in association with a crime of violence or nonforcible sex offense are no longer protected from disclosure under federal student privacy laws. In a recent challenge to that Act, an Ohio Federal District Court judge ruled that campus court records at Miami University of Ohio and Ohio State University are "education records" protected from public release by the Family Educational Rights and Privacy Act (FERPA) and barred schools from releasing these types of records. This judgment includes the records of students found to have committed sexual assault and other serious crimes. Safety advocates and student journalists were disappointed by the decision because students cannot know the full extent of crime that occurs on the campuses without access to these records (Carter 20 March 2000).

THE CAMPUS SEXUAL ASSAULT VICTIMS BILL OF RIGHTS

Amid continued media attention to several cases of alleged sexual assault on college campuses and the reported response of university officials and campus judicial bodies, the Campus Sexual Assault Victims Bill of Rights was passed in 1991. This law requires institutions of higher education to develop and publish policies regarding the prevention and awareness of sex offenses and procedures for responding after a sex offense occurs as part of their campus security report. A key point in the new statute is the responsibility of university officials to inform

students of their rights and provide them with clear information about how to report sex offenses and about the assistance (medical, legal, and psychological) available for victims. These provisions became effective in 1993.

The Department of Education is responsible for the enforcement of the Campus Security Act and the Campus Sexual Assault Victims Bill of Rights and failure to comply could mean the loss of federal funds, including student loan monies. In addition, the reporting requirements of the Campus Security Act have been amended twice and the rule-making process has been slow. The most recent amendment, the Hate Crime Statistics Act (28 USC 534) requires universities to report whether certain crimes (murder, forcible rape, and aggravated assault) manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity. The final regulations governing compliance with both campus crime laws were issued on April 29, 1994.

THE STUDENT RIGHT TO KNOW AND CAMPUS SECURITY ACT OF 1990

The Campus Security Act was the first federal legislation to address the issue of crime on college campuses and reflects a national commitment to increase campus safety. In brief, the Act requires that institutions publish and distribute an annual report which describes security and law enforcement policies, crime prevention activities, procedures for reporting crimes on campus, and certain campus crime statistics. The first reports covered the 1991 academic year.

FEDERAL CAMPUS CRIME REPORTING REQUIREMENTS

Pursuant to the final regulations, the Campus Security Act and the Campus Sexual Assault Victims Bill of Rights now require that colleges and universities include the following policy information and statistics in their annual security reports:

- Information about the number of occurrences of the following crimes: murder, forcible and nonforcible sex offenses including rape, robbery, aggravated assault, burglary, motor vehicle theft, and arrests for violations of liquor, drug and weapons law violations.
- Current campus policies regarding procedures and facilities for students and others to report criminal actions and other emergencies occurring on campus, policies concerning the institution's response to the reports, and a list of the titles of each person or organization to whom students and employees should report the criminal offenses.
- Current policies concerning security of and access to campus facilities, including residences and security considerations related to maintenance programs.
- Current policies concerning the campus law enforcement's authority of police/institutional security personnel, their relationship with state and local police agencies, authority of campus police/security personnel, i.e., arrest

powers, and policies that encourage prompt reporting of all campus crime to the campus police and local police.

- A description of the type and frequency of programs designed to (1) inform students and employees about campus security procedures, (2) inform students and employees about the prevention of crimes, and (3) encourage students and employees to be responsible for their own security and the security of others. The description of the program should include reference to the manner in which the campus will provide a "timely warning notice" of violent crimes reported to campus or local police that are considered to be a threat to students and employees. Institutions are encouraged to specify that such action will depend on the particular circumstances of the crime.
- Policy concerning the monitoring and recording by local police agencies of students' criminal activity at student organizations' off-campus locations, including off-campus housing facilities.
- Policy regarding the possession, use, or sale of alcoholic beverages and illegal drugs; as well as any drug or alcohol abuse education programs required by the Drug-Free and Communities Amendments of 1989 (Public Law 101-226).

With regard to certain sex offenses, the institution's statement of policy must include the following information:

- Education programs designed to promote awareness of rape, acquaintance rape, and other forcible or nonforcible sex offenses.
- Procedures students should follow if a sex offense occurs, including who should be contacted, to whom the alleged offense should be reported, and the importance of preserving evidence as it may be necessary for the proof of a criminal sexual offense.
- The student's option to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying these authorities if the student chooses to do so.
- Existing on- and off-campus counseling, mental health, or other student services for victims of sexual offenses.
- Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense, if requested by the victim and if the changes are reasonably available.
- Procedures for on-campus disciplinary actions in cases of alleged sexual offense that shall include a clear statement including the following:
 - The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding.
 - Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings brought alleging a sex offense.

- Sanctions the institution may impose for rape, acquaintance rape, or other sex offenses (forcible or nonforcible) following an on-campus disciplinary procedure.

State Laws

NEW JERSEY CAMPUS SEXUAL ASSAULT BILL OF RIGHTS ACT

Title 18 A.61E.1 of the New Jersey Code is a campus bill of rights for sexual assault victims that every institution of higher education in New Jersey is mandated to uphold. The following rights are afforded to student victims of sexual assault that occur on the campus of any public or independent institution of higher education and/or when the student involved is a victim of an off-campus assault:

- To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy.
- To have any allegations of sexual assault treated seriously.
- To be treated with dignity.
- To be free from any indication that the victims are responsible for the commission of crimes against them.

Furthermore, sexual assault victims are to be free from any pressure from campus personnel:

- To report crimes if the victim does not wish to do so.
- To report crimes as lesser offenses than the victim perceives the crime to be.
- To refrain from reporting crimes to avoid unwanted publicity.

Sexual Assault victims have the follow rights to resources off and on campus:

- To be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault, whether or not the crime is formally reported to the campus or civil authorities.
- To have access to campus counseling under the same terms and conditions that apply to other students in their institution.
- To be informed of and assisted in exercising any rights to confidential or anonymous testing for sexually transmitted diseases, HIV, and pregnancy; any rights that may be provided by law to compel and disclose if the assault suspects have communicable diseases.

Sexual assault victims are entitled to the following campus judicial rights:

- To be afforded the same access to legal assistance as the accused.

- To be afforded the same opportunity to have others present during any campus disciplinary proceedings.
- To be notified of the outcome of the sexual assault disciplinary proceeding against the accused.
- To receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities.
- To receive full and prompt victim sensitive cooperation of campus personnel with regard to securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

Sexual victims are entitled to the following campus intervention rights:

- To require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants; and,
- To be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available (Title 18 A.61E. 1 of the New Jersey Permanent Statutes, The New Jersey Campus Sexual Assault Bill of Rights Act, 1994).

NEW YORK CAMPUS SAFETY ACT

The New York Campus Safety Act requires institutions of higher education in New York state to implement written plans in cooperation with local law enforcement agencies when an investigation of a violent crime of a missing student becomes necessary. Brought about by the efforts of the family of Suzanne Lyall, a student at SUNY-Albany who disappeared in March 1998, the purpose of the Act is to set in motion a protocol that will avoid unnecessary delays that may increase the potential for tragedy. Articulation of "who" should do "what" and "when" a student is considered missing needs to be clearly defined, including a time line as to when the parents should be notified. A second aspect of the bill provides for a "hotline" that can be utilized by parents of a missing child that connects the family with a missing person's expert who is available to refer, advise, direct, and counsel the family as needed. Compliance with the law, which was signed on April 6, 1999, began on January 1, 2000 (The New York Campus Safety Act, April 6, 1999, New York State Bill SO2862).

Victim Advocacy Through Campus Violence Civil Litigation

Campus crime civil litigation emerged in the mid-1980s as a relatively new and formidable legal strategy to address the problem of campus crime. It caught school administrators by surprise and threatened the financial resources of colleges and universities, many of which have suffered in recent years from declining enrollment and escalating costs.

Civil cases have been filed, primarily by students or their surviving family members, against universities, their administrators and trustees. In such cases, plaintiffs seek compensatory damages for financial losses and pain and suffering as well as punitive damages that are awarded to punish perpetrators and deter others from engaging in similar behavior. Cases have alleged negligence and gross negligence, and in recent years, civil lawsuits have resulted in large judgments or out-of-court settlements. Generally, lawsuits have alleged unsafe campus conditions. Awards ranging from \$50,000 to \$2 million for plaintiffs who were victims of assault and rape have shaken several universities, attracted Congressional and media attention, and led to an examination of security on campuses and institutions' response after a crime occurs.

One of the more tragic cases involves the torture, rape, and murder of nineteen-year-old Jeanne Ann Clery in her dormitory room at Lehigh University on April 5, 1986. Following the conviction and sentencing of Jeanne Clery's murderer, who was also a university student, Howard and Connie Clery filed suit against the university for its negligence in failing to take reasonable action to protect their daughter from foreseeable harm. The amount of the settlement was not made public, but pursuant to its terms, the university agreed to improve security throughout the campus, particularly in dormitories.

Howard and Connie Clery went on to form Security on Campus, Inc., an organization dedicated to bringing the problem of violent crime on college campuses to the attention of those who most need to know: applicants, students, faculty, and staff. Their crusade has had widespread results. Since their initial success in securing passage of campus crime legislation in Pennsylvania in 1988, similar legislation has been passed in many states. The Clery's are also recognized as the driving force behind the first federal campus crime law.

Barriers to Reporting Campus Crime

DEFINING CAMPUS CRIME

At the 1998 focus group on serving victims of campus crime sponsored by the National Criminal Justice Association, focus group participants identified two key factors relevant to preventing and responding to campus crime and victimization.

- A lack of clarity on *definitions*, which affect how campuses collect and report statistics. There appears to be considerable disparity in how "crimes," "crime victims," and even "campuses" are defined for purposes of reporting and statistical analysis. More consistency in definitions would undoubtedly result in more accurate reporting and statistics.

Focus group participants offered the following parameters for such definitions:

- "Campus" should include (for legal purposes) the campus proper but should also embody the community in which the campus is located.
 - "Crime" is any activity that is defined by federal, state, and local law or ordinance as "illegal" and can include violation of campus policies.
 - "Victims" can include students, faculty, staff, outside contractors, and visitors.
- Jurisdictional issues related to response and assistance and victim outreach can pose a barrier. There is often a lack of clarity in the roles and responsibilities among professionals who provide victim assistance *on campus*, in *the community*, or *both*. Few respondents to NCJA's national "call-to-the field" or focus group participants identified the consistent use of policies and/or interagency agreements that clarified individuals' and agencies' roles and responsibilities (Seymour and Cropper 1999).

REPORTING CAMPUS CRIME

For many institutions, gathering and publishing statistics on campus crime were not new concepts. Approximately 325 universities reported crime statistics to the FBI for inclusion in the annual publication of *Uniform Crime Reports* prior to the Campus Security Act. The University of Washington Police Department has combined a community policing approach to law enforcement with an annual report to the university community for more than a decade.

Other institutions have been reluctant to release information about violent crimes and have been accused of attempting to "cover-up" incidents or to minimize their significance to the point of discouraging students from reporting or cooperating with local police departments. Such tactics have become an issue in several civil suits and were the impetus for enactment of the campus crime amendments to the Higher Education Act.

The recently legislated annual reports of campus crime statistics have been available for most schools since 1993. However, the changes in some reporting categories and differences in school reporting practices in the absence of final regulations have made interpretation of the data difficult. In addition, the increased attention to the issue of crime on campus may well influence the rate at which crimes are reported to campus law enforcement officials.

While the crime reports provide previously unavailable information, it is agreed that the published numbers provide an incomplete picture of the relative safety of any particular campus. The policies and practices regarding the handling of individual criminal incidents and the various campus safety programs must also be considered.

In *Serving Victims of Campus Crime*, the National Criminal Justice Association (NCJA) identified campus culture, lack of understanding about how to report crimes, fear of retaliation, and students' fears about telling their parents about being victimized as significant barriers to increased reporting:

One of the most predominate influences in student reports of crime is the *campus culture* itself. Student mores can have a negative influence on students' willingness to report; the "independence" that higher education students value can contribute to a feeling of "I can handle this myself," regardless of the severity of the offense. In addition, students may tell their peers about being victimized, and follow their advice as to what actions (if any) to take.

Institutions of higher education must promote environments where reporting is *encouraged* and *easily facilitated*. Herein, a significant dichotomy exists: Any increases in reports of crime can be viewed by campus officials as detrimental to a campus's reputation for safety, which is "bad for business." Greater efforts should be made to emphasize the relationship between *crime reporting* and *crime prevention* to college and university administrators, i.e., when victims report crimes and participate in justice processes, there is a greater likelihood that crimes will decrease when perpetrators are removed from the campus environment.

A lack of understanding about how to report a crime poses a significant barrier. The need for broad education in campus communities about agencies and individuals available to assist victims is clear. Information should include options for initial reporting (i.e., a trusted faculty member, resident advisor, or trained peer counselor), assistance in filing official reports with campus or community police, and a directory of available supportive services. "Making reporting cool"--through public education and outreach efforts presented in measures commensurate with students' age, cognitive and social development, and culture--would address the negative influences of both campus culture and lack of knowledge about how to report crimes. Concerns about the efficacy of authorities involved in crime control and response must also be addressed. Regardless of the type of crime, victim and/or alleged perpetrator(s), people in campus communities must be assured that their cases will be handled with dignity and respect.

Similar to many crimes, the fear of retaliation poses a barrier to reporting. When persons victimized on or near a campus have *perceived* or *real* fears about intimidation, harassment, or harm from the alleged perpetrator and/or his/her peers, the likelihood of reporting decreases.

A barrier to reporting that is somewhat unique to campuses is students' fears of telling their parents about being victimized. When parents are unaware of their children's victimization, there may be limited support for reporting crimes and seeking supportive services.

A campus- and community-wide emphasis on the importance of reporting crime and victimization should be an institutional priority for higher education. This crucial message should be reinforced at *all* levels of the institution and community--before, during and after the academic school year. NCJA focus group participants indicated two promising practices in this area:

The implementation of *peer mentoring programs*, with volunteers trained to provide information and support to victimized students about how to report offenses, advocacy throughout any justice procedures, support, and referrals to victim assistance programs.

More widespread use of *curriculum infusion* throughout all higher education courses that relates the topic (such as social work, business, physical education, etc.) to crime and victimization, and provides consistent messages about crime prevention and victim assistance (Seymour and Cropper 1999).

Improved Treatment of Crime Victims: Critical Elements

Through the National Criminal Justice Association's project entitled "Serving Victims of Campus Crime," critical elements were identified in seven key areas that comprise a comprehensive victim services program for college and university campuses:

EMERGENCY SERVICES

Coordinated crisis response services should be available through both campus- and community-based resources, including law enforcement, physical and mental health professionals, victim and social services, and student affairs/services, and should include the following:

- Centralized telephone hotline available twenty-four hours a day, seven days a week that is staffed by qualified and trained personnel.
- Access to emergency medical services (both on- and off-campus).
- Campus security programs that include information about both emergency and longer-term support and services to address victims' safety and security needs.
- Access to emergency and long-term mental health support and services.
- Establishment of a campus ombudsperson to serve as students' liaison to faculty, resident advisors, and others who might be affected by a student's victimization.
- Information and referral system for faculty and staff to readily access experts who can help victims.
- "Mutual aid agreements" among campuses, local law enforcement, and the community that clarify roles and responsibilities related to emergency responses and services.

- Follow-up contacts to every emergency call related to crime and victimization.

ADVOCACY AND SUPPORT

Victim advocacy and support services should be available to address victims' emergency, short- and long-term needs, and should include the following:

- Peer counseling programs with strong and articulated administrative support and student outreach (through orientation training, resources provided verbally and in writing, audio/visual public awareness campaigns on and around campus, and presentations to student, faculty and staff organizations, and groups).
- Publication and distribution of a victim assistance and campus safety brochure that includes information about rights and services (including contact information for assistance) both on-campus and in the community.
- Development of student "buddy" systems that incorporate provision of basic information about crime prevention, crime reporting, and victim assistance.
- Specific outreach to students who live off-campus through entities and sites they frequent such as businesses, churches and temples, community organizations, etc.
- Provision of education and opportunities for students to mobilize and create peer-initiated and supported initiatives.
- Curriculum infusion of information related to violence and victimization that is supported by faculty/student partnerships and populates literally any curriculum.
- Probation and aftercare specific to students in higher education that emphasize offender accountability, victim security and services, and community protection.
- Coordination among campus and community public safety officials/agencies to promote and enforce protective orders for victims (for example, Purdue University in Indiana enforces mandatory holds for cases of partner abuse).
- Timely adjudication processes.

COUNSELING AND LONG-TERM SUPPORT

Victims' rights on campus should mirror victims' rights as defined in federal, state, and local statutes within campus administrative policies that support the enforcement of victims' rights, and provision of quality victim services. They should include the following:

- Consistent enforcement of victims' rights to information, notification of offender and case status, participation in administrative or criminal/juvenile justice proceedings, restitution, and protection.

- Consistent "zero-tolerance" policies that clearly state acts of violence will result in expulsion.
- Elimination of special treatment and/or exemptions for athletes who are convicted of crimes.
- Use of victim assistance counselors and victim advocates with expertise, experience, and training in working with crime victims.
- Education of professional and peer counselors about the criminal and civil justice processes and available victim services, and collaboration with such services.
- Provision of information about risk reduction and re-victimization (i.e., including potential pre-victimization factors, among them being victimized once).
- Conducting security surveys in theft cases to identify and publicize high-risk factors.
- Offense-specific counseling for perpetrators such as alcohol and other substance abuse treatment, batterers' treatment, anger management, and/or combinations of counseling services with counseling mandated as a condition of re-admission.
- Notification to parents of offenders who use/abuse alcohol and/or other drugs.

COORDINATING CASE MANAGEMENT

The establishment of ongoing communication links among public safety and victim assistance agencies both on- and off-campus (including local, state, and federal authorities, as applicable) is essential to coordinated management of victim cases, and should include the following:

- Written compact, memorandum of understanding (MOU), or inter-agency agreements among community and campus public safety and victim assistance agencies that clarify roles and responsibilities for responding to crimes.
- Regularly-scheduled (monthly) meetings of community and campus public safety and victim assistance entities to promote continuity in response and services and to identify and address trends in crime and victimization.
- Provision of continuing education opportunities about victims' rights, needs, and services to specific criminal justice professionals such as law enforcement, prosecutors, judiciary and court personnel, and community corrections.
- Sponsorship of student education opportunities that focus on campus and community crime response and prevention.
- Campus-specific promotion of victim-related commemorative observances such as National Crime Victims' Rights Week, Domestic Violence Awareness Month, Sexual Assault Awareness Month, National Drunk and Drugged Driving Awareness Week, etc., utilizing public information and

community outreach resources sponsored by the Office for Victims of Crime and national victim assistance coalitions and organizations.

SERVICES TO RURAL-REMOTE CAMPUSES

Access to supportive services may be more limited to victims of crimes committed on campuses in remote-rural jurisdictions. They should include the following:

- Needs assessments conducted to identify specific gaps in programs and services for victims since institutions in remote-rural jurisdictions have unique needs relevant to crime and victimization.
- Sponsorship of a centralized hotline and/or supportive service center for victims to assist with emergency and ongoing needs related to transportation, physical and mental health, and justice system advocacy.
- Greater reliance upon and training of volunteers and professionals within the geographic campus community to provide on-site emergency and ongoing supportive services.
- Safety education and advocacy for victims of interpersonal violence.
- Provision of emergency supportive services when local law enforcement are not readily available for victim response and assistance.

SERVICES TO TRADITIONALLY UNDERSERVED VICTIMS

Campuses and campus communities should identify specific populations that comprise "underserved victims" and focus resources on needs assessment, improving outreach, and eliminating barriers to accessing services. Services should include the following:

- Campuses and communities need to identify "underserved victims," their needs, and possible responses that may include:
 - *Male victims* (outreach efforts to encourage reporting, provision of comfortable environments in which to seek services, and professionals and volunteers trained to take them seriously, and trained in victimization characteristics unique to men).
 - *Property crime victims* (consistent validation that what is often perceived as a "minor" crime can be traumatic and hurtful, law enforcement response is sensitively and consistently given, and referrals to victim assistance are made, as needed).
 - *Victims with disabilities* (supportive services that are physically accessible and peer support to access services and rights).
 - *Commuter students* (orientation and continuing education about reporting crimes, prevention, and available victim services, regardless if the crime happens on campus or on the way to, from, or near campus).

- *Victims of hate/bias crimes* (staff and student education on diversity and tolerance, supportive and peer services that are sensitive to victims' needs and confidentiality concerns, and coordination of case processing that involves proper authorities in justice--and victim-related responses on the local, state, tribal, and/or federal level).
 - *International and culturally diverse students* (education and outreach in students' native languages that are sensitive to different cultural mores, liaison activities among campus and culturally diverse student and community entities, and assistance and advocacy in reporting crimes, and campus disciplinary or justice processes).
- When "underserved victim" populations and their needs are identified, campuses and communities should develop sensitivity training for campus, justice system, and supportive service professionals and volunteers about such victims' special needs and how they can best be met.

GENERAL PROGRAM CHARACTERISTICS

The location of victim assistance programs in higher education varies depending upon the campus. However, consensus among NCJA focus group participants is that such programs need to be housed in a place that is at "the center of all resources, within a web of accessible health services, victim assistance, and entities that can assist with victim safety concerns." In some institutions, the Student Affairs Office might be a likely site for victim assistance programs.

The following are three key factors in determining a program's location:

- What type of person(s) do campuses have to do the job (of victim assistance)?
- Which agency has access or linkages to different types of services such as mental and physical health, public safety, student affairs, community organizations, etc.?
- What type and level of commitment of resources does a campus have or is it willing to commit to victim assistance and student safety?

Similarly, a convenient location for easy access (physically, by telephone, and by e-mail, twenty-four hours a day, seven days a week) is a key characteristic. It was suggested that making the office/site available for other services, such as community policing or community service organizations, would decrease possible stigma of people seeking victim assistance services.

A common theme identified by NCJA focused on the importance and "clout" that institutions of higher education place on victim assistance and student safety. Such services need to be publicized and marketed as consequential to the very

functioning of institutions. There should also be sufficient financial and human resources to adequately provide services (Seymour and Cropper 1999).

CRIME PREVENTION

Information is a powerful tool in crime prevention and law enforcement. If students, faculty, and other employees are made aware of the extent of crime in their midst, they can take precautions that will improve the likelihood of their safety. If applicants and their families have information about crime rates, they can make informed choices about schools and housing options.

Although the Department of Education has performed minimal monitoring of university compliance, many schools have utilized the annual reporting process to clarify policies that are of critical importance to crime victims. Information about crime prevention and how to report a crime, and/or how and where to seek services, are key to crime prevention.

Policies and practices regarding crime prevention and security are also important components of safety. Lighting, emergency phone systems, shuttle services to transport students, escort services for evening hours, locked dormitory doors, controlled access to buildings, crime watch programs, and twenty-four-hour security are all responsible steps that schools can take to reduce the risk of victimization of students and faculty.

Campus Crime and the Crime Victims' Rights Discipline

Civil liability for injuries sustained by students who are victims of crime on campus is a significant recent outgrowth of the crime victims' rights discipline. The enactment of the three federal laws related to campus security and victim assistance cited above is evidence of the impact of violent crime, and the strength of the victims' rights discipline, in the world of higher education.

The threat of civil suits provides additional impetus for many institutions to evaluate crime prevention and security efforts. Whatever the reasons that motivate institutions to improve their crime prevention, security, and victim assistance programs, the beneficiaries will be the students, faculty, staff, and the communities who will be spared the trauma of becoming the victim of a violent crime, and ultimately, the university itself.

Perhaps most significant, the multiple needs of campus crime victims have resulted in unique partnerships for victim assistance and crime prevention at the local, state, and national levels. In communities large and small, urban and rural, victim assistance practitioners are joining together with law enforcement, criminal justice, and higher education professionals to develop appropriate policies and protocols for responding to campus crime and assisting victims. Nationally, the research and practitioner communities are working together to utilize empirical

data for practical applications that promote safer environments on campuses of higher education. Such partnerships are critical to ensuring the safety of people who attend, work and visit college and university campuses in America.

Promising Practices

- The *Arizona Rape Prevention Education Data and Evaluation Project* collects and evaluates sexual assault surveillance information, acts as a clearinghouse on current research in the field, and provides technical assistance to schools and communities on rape education and crisis response. Arizona Rape Prevention Education Data and Evaluation Project, University of Arizona College of Public Health, 2223 East Speedway Boulevard, Tucson AZ 85719 (520-316-7211).
- *Security On Campus* (S.O.C.), Inc., a nonprofit organization dedicated to the prevention of campus violence and to assisting campus victims in the enforcement of their legal rights, is actively involved in building awareness and increasing safety on colleges and universities. Its goals are to continue legislative efforts at the federal and state levels to compel education administrators to report campus crime to law enforcement; monitor completeness and accuracy of campus crime statistics; persuade college and university almanacs and directories to include campus crime and security in their coverage; continue providing victims and their parents with information for healing and redress; utilize the office as a central resource center for providing referrals to agencies that can provide emotional support and criminal justice system intervention; and increase safety on campuses by promoting the restructuring of college and university security forces. Security on Campus, Inc., 215 West Church Road, Suite 200, King of Prussia, PA 19406-3207 (Hotline: 888-231-7959).
- *Safe Campuses Now* is a state-funded, student-run, volunteer crime prevention awareness and education organization at the University of Georgia. Its goal is to provide online crime alerts to 30,000 university students; provide students with facts about violent and property crime, both on and off campus; offer tips on crime prevention; and offer links with crime prevention programs at universities around the country that have been reviewed and found to provide an effective service to students. Composite drawings of violent perpetrators at large are reproduced online. In its university links, particular emphasis is placed upon institutions that collaborate with local law enforcement to provide information to students about crimes occurring off campus where the majority of students live and the majority of crimes take place. Safe Campuses Now, 337 South Milledge Avenue, Suite 117, Athens, GA 30605 (706-354-1115).
- The *Tulane University Department of Public Safety* (TUDPS) works closely with the second district police department in New Orleans, LA, to stay up-to-date on all "part one" offenses that occur off campus near the university. Members of the department attend weekly meetings at the

police department to determine the hot spots, where crimes are occurring regularly. TUDPS cultivates an open relationship with student victims of crime, respecting their choices on reporting crimes while encouraging them to provide information that could improve the safety of the overall student body. TUDPS works closely with members of student government and the school newspaper to see that they are up-to-date on ongoing crime threats, posting information about threats on the crime prevention board at the student union and the Crime Watch page of the newspaper. Awareness of and communication about crime are considered the most important elements of campus crime prevention. Tulane University Department of Public Safety, Tulane University, 6823 St. Charles Avenue, New Orleans, LA 70118 (504-865-5381).

The following promising practices were identified by the National Criminal Justice Association in "Summaries of Services for Victims of Campus Crime" (NCJA 1998):

- Florida International University sponsors Victim Advocacy Centers, located on both of its campuses, that are devoted solely to providing victim services. A wide range of supportive services includes on-scene crisis intervention, written information for victims, assistance with dealing with student judicial hearings and/or the criminal justice system, an interpreter for non-English speaking victims, and outreach, counseling and referrals for primary and secondary victims.
- At George Mason University in northern Virginia, Sexual Assault Services provides advocacy and support to victims twenty-four hours a day, seven days a week. Confidential services are supervised by a sexual assault services coordinator with a cadre of students who have been trained as peer companions to provide both support and information to survivors. Information about sexual assault prevention, sexual assault, and resources to assist victims is available. GMU's sexual assault policy, which applies to students, faculty, administrators, contract employees, and visitors of the university community "strongly condemns sexual offenses and will not tolerate sexual offenders." In addition, a thirteen-page description of university legal procedures for rape and sexual assault cases is available both in paper and electronic formats.
- Indiana University has devoted significant resources to promote a campus that is free from discrimination or harassment based upon an individual's race, nationality, religion, or sexual orientation. The Gay, Lesbian, and Bisexual Anti-harassment Team, along with the Racial Incidents Team, are comprised of staff and faculty who have expertise in diversity issues and conflict resolution. The teams have two purposes: (1) To assist and support students who report an incident of discrimination based on race, nationality, religion, or sexual orientation in finding a resolution; and (2) To document information about these incidents in order to combat discrimination more effectively. To date, the Racial Incidents Team has

worked with approximately sixty to eighty incidents a year, ranging from defaced posters to acts of physical violence. The Gay, Lesbian, and Bisexual Anti-harassment Team has worked with approximately forty to sixty cases each year, with most offenses committed against gay men and involving defacing of property, written threats, and both verbal and physical harassment.

- At Penn State University in Pennsylvania, providing a support person to accompany victims during medical examinations following a sexual assault is an important service among multiple supportive activities available to victims at Center Community Hospital.
- Columbia University and Barnard College in New York City utilizes its Web site to provide information and referrals for crime victims. Under the heading of "Student Wellness," the university homepage enumerates potential actions for victims to take, including "what to do if you are sexually assaulted."
- The College of Charleston in South Carolina offers mediation between the victim and the accused, upon request and with voluntary compliance of both parties. Similarly, Columbia/Barnard College offers victims the option of contacting the University ombuds officer as a resource for mediating complaints and seeking guidance in pursuing disciplinary action.
- Numerous institutions of higher education provide intervention with professors to crime victims and relocation to a new residence hall upon request.

Campus Crime and Victimization Self-Examination

1. Describe one of three most significant federal laws enacted in the 1990s relevant to campus crime, victimization, and reporting.
2. Cite three barriers that prevent students from reporting crimes committed on or around college/university campuses.
3. What is the primary purpose of civil litigation that is filed by victims and/or survivors against colleges and universities?
4. Briefly describe at least five critical elements of a comprehensive victim services program for college and university campuses.

Chapter 22 Special Topics (Section 4 Supplement)

Campus Crime and Victimization

Statistical Overview

- About 5.6 million fifteen- to twenty-four-year-olds nationally report having unprotected sex because they were drinking or using drugs at the time (CASA 2002). Alcohol has been implicated in 46% to 75% of the reported date rapes among this age group (CASA 1999).
- Approximately one out of every three high school and college students have experienced sexual, physical, and verbal violence in a dating relationship (NCVC 2002).
- The National College Women Sexual Victimization (NCWSV) Survey, sponsored by the National Institute of Justice, found that 2.9% of all women attending college or university during the first 6.9 months of the 1996-97 school year experienced a completed (1.7%) or attempted (1.2%) rape (Fisher, Cullen, and Turner 2000).
- The victimization rate reported in the NCWSV Survey was 27.7 rapes for 1,000 female students over the 6.9 months surveyed. Because some women were victimized more than once, the rate of incidents was higher than the rate of victims (35.3 per 1,000 students). Over 22% were victims of multiple rapes (Ibid).
- While only 2.9% or one out of thirty-six college women experienced a completed or attempted rate in the NCWSV Survey, it should be noted that the figures measure victimization for slightly more than one-half of a year. If the victimization rate is calculated for a one-year period, the data suggests that 4.9% of college women are victimized in a calendar year (Ibid).

Federal Legislation

CAMPUS SEX CRIMES PREVENTION ACT

House Resolution 3244, the Campus Sex Crimes Prevention Act, which was signed into law on October 28, 2000, improves the tracking of convicted sex offenders who are enrolled in or employed by institutions of higher learning. The Act requires that registered sex offenders notify the state and that the state then promptly notify law enforcement (including campus police) in the local jurisdiction when they are engaged as a student or an employee or practicing a vocation on a college or university campus. The Act amends the Clery Act to require institutions of higher learning to disclose to the campus community where law enforcement agency information concerning the identity of sex offenders on campus can be obtained. The Act also clarifies that the disclosure of information concerning sex offenders on campus does not violate their privacy rights and requires the Secretary of Education to take appropriate steps to notify institutions of higher learning that disclosure of this information is permitted (P.L. 106-386).

On October 10, 2001, California was the first state to enact corresponding legislation that requires convicted sex offenders to register with campus police when they enroll in or become employed on a campus of a college or university (California AB 4).

Research

SEXUAL VICTIMIZATION OF COLLEGE STUDENTS: RAPE AND SEXUAL HARASSMENT

Current research on the victimization of college students confirms that rape and sexual harassment continue to be serious problems on campuses. Addressing the topic of date rape in the criminal justice system has focused considerable attention on crimes against young women, and more stringent reporting requirements have prompted academic institutions to increase prevention and response mechanisms on college campuses. Yet, the rate of victimization is alarmingly high and the emotional, psychological, and physical trauma to this population is incalculable.

Rape on college campuses. Data from the NCWSV Survey as cited above indicate that women on college campuses are at a greater risk for rape and other forms of sexual assault than women in the general population at a comparable age group. There has been some concern that national surveys that gauge incidents of rape among college women are not collecting accurate data because the target population is reluctant to refer to the most common incidents of sexual victimization—acquaintance rape and date rape—as criminal.

Like the *Rape in America* report of 1992 and the *Stalking in America* report of 1998, the NCWSV Survey used a two-stage process that started with specific screening questions that attempted to cue the respondent to recall specific details of an incident and report them to the interviewer. For example, rather than ask her if she had ever been raped or been the victim of a sexual crime, they might ask her if anyone had ever tried to force his penis into her vagina or mouth. Those who reported having been victimized in this manner were then asked to complete an incident report to clarify the type of sexual victimization and provide information about the incident. Classification of the incident was based on the incident report response to questions about the type of penetration experienced, the type of unwanted sexual conduct, and the means of coercion used by the perpetrator (Fisher, Cullen, and Turner 2000).

Other NCWSV Survey findings:

- *College women and defining their victimization as rape.* For each incident report, respondents were asked if they considered the incident to be a rape. For the incidents that fell into the category of completed rape within the guidelines of the NCWSV Survey, only 46.5% of the women answered

"yes" it was a rape and 48.8% answered "no" it is was not a rape, the rest being undecided.

- *Sexual victimization of college women experience based on use of force.* To gain a more accurate assessment of the number of rapes in light of the large number of women who experienced rape but defined it otherwise, the survey also collected data on all types of sexual victimization, including rape, based on use of physical force or non-physical force: 15.5% of college women reported being sexually victimized: 7.7% involved physical force and 11.0% involved nonphysical force.
- *Sexual victimizations among college women occurring prior to the school year.* One in ten college women said that they had experienced a rape prior to the beginning of the 1996 school year. One in ten college women said that they had experienced an attempted rape. One in twelve had had sexual intercourse in which they were subject to threats of non-physical punishment.
- *Who are the sex offenders on college campuses?* Nine in ten offenders were known to the victims, most often they were a boyfriend, ex-boyfriend, classmate, or co-worker: 12.8% of the completed rapes, 35.0% of the attempted rapes, and 22.9% of the threatened rapes took place on a date.
- *Do victims try to protect themselves?* When asked if they took protective action to avoid victimization, the majority of female college students reported they did take protective action, including physical force, removing the offender's hand, running away, pleading with the offender, screaming, or trying to negotiate. Nearly 70% of the victims of attempted rape used physical force against their assailants successfully.
- *Are some college women more at risk for sexual victimization?* Among the women surveyed, four main factors were found to have increased the risk of sexual victimization on college campuses among the women surveyed: (1) frequently drinking enough to get drunk, (2) being unmarried, (3) having been a victim of sexual assault before the start of the school year, and (4) living on campus.
- *Reporting rates for sexual victimization on college campuses.* Fewer than 5% of completed and attempted rapes were reported to law enforcement officials. Few of the victims surveyed reported to college officials. Barriers to reporting included embarrassment over the incident, not wanting people to know, lack of evidence, fear of being treated badly by the police, fear of not being believed, and fear of reprisal by the offender.

Comparison of the NCWSV Survey to the NCVS study. The NCWSV Survey included a comparison component to address how rape estimates on campuses in the federally sponsored victimization survey, the National Crime Victimization Survey (NCVS), compared with the NCWSV Survey results. Although the methodology of the two surveys was the same, in terms of means of contact, sampling design and sampling frame, reference period, and means of measuring victimization, the wording of the screening questions and the wording of the incidence level questions were different. NCWSV researchers chose to ask

graphically descriptive screen questions, such as those described on the previous page, to prompt reluctant victims to report. The means of collecting information by the two surveys provides insights into how victims respond to questions concerning their sexual victimization and under what circumstances they consider that their victimization has been a criminal act (Ibid.).

Fisher et al point out that behaviorally specific screen questions generally find higher levels of sexual victimization. Nevertheless, the estimates from the NCVS study are considerably lower than the NCWSV report.

- The percentage of completed rapes reported in the NCVS study is eleven times smaller than the percentage of completed rapes in the NCWSV study.
- The percentage of attempted rapes reported was six times smaller, and the percentage of threats of rape was four times smaller (Ibid.).

The NCWSV Survey also measured the extent to which women on college campuses endure verbal and visual victimization. Because this type of victimization was found to occur frequently and was considered of relatively minor importance among the target population, the research was limited to type of victimization and number of times it occurred. Researchers found that visual victimization was far less frequent than verbal.

- Six percent of female students had been shown pornographic pictures, 5% had someone expose their sexual organs to them, and 2.4% had been observed naked without their consent.

Verbal harassment and sexually explicit comments were far more commonplace.

- Half the respondents had been subjected to sexist remarks, catcalls, and whistles with sexual overtones. Twenty percent had received an obscene telephone call or had been asked intrusive questions about their sex life. Ten percent had had false rumors spread about their sex life (Ibid.).

Sexual harassment. Other surveys on peer sexual harassment among students confirm that it is a complex and widespread problem that harms the victims and the school environment but is widely unreported. Reports by the American Association of University Women and the U.S. Department of Education Office for Civil Rights indicate that over half of all students have been harassed, with females, youth of color, and gays most frequently targeted. Typical harassment includes taunting, sexual graffiti, and rumor mongering about a classmate's sexual identity or activity. Experts suggest that the characteristics of sexual harassment often mirror the dynamics of domestic violence in that harassment is a manifestation of power and control rather than of sex (Schwarz 2000; Gustavsson and MacEachron 1998; AAUW 1993).

Although sexual harassment is legally considered a form of sex discrimination, Title VII of the Civil Rights Act of 1964 has been extended by some courts to include peer harassment, Title IX of the Education Amendment of 1972 is being used to financially compensate victims of harassment in schools, and 42 U.S.C.g1983 has been used to sue schools that fail to protect students from peer harassment. Proactive measures that involve a commitment from the whole school and the community, a systematic, multidisciplinary approach, and long-term education strategies are necessary to foster respectful and nonsexist behavior in academic institutions (Schwarz 2000).

Proactive measures to discourage sexual harassment on campus include:

- Prevention education on what constitutes harassment, how it creates climates of fear, and the difference between the menacing behavior of harassment and healthy flirting.
- A comprehensive, explicit campus anti-harassment policy that defines harassing behavior, urges victims to report such behavior, mandates that complaints are heeded, does not tolerate retaliation from the harasser toward the victim, and sets out a procedure for unbiased investigation. Consequences to the harasser should include remediation as well as punishment.
- Interactive training on sexual harassment and violence for all staff members.
- Outreach to parents through special workshops to educate them about the origins of sexually harassing behavior and the importance of addressing such behavior within the family (Ibid.).

Many universities and colleges are writing anti-stalking and anti-harassment policies for students, faculty, and administrators. The George Mason University in Fairfax, Virginia, implemented a stalking policy in 1999 that clearly defines: stalking and the state stalking code, guidelines for victims of stalking, support services for victims of stalking, information about legal assistance, guidelines for community members who witness stalking, and mental health support for individuals who seek assistance in resisting their stalking tendencies. The Stalking Policy for George Mason University can be found at <http://www.gmu.edu/facstaff/sexual/GMUPolicies3.htm>.